HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27615 of 2007

Dated 26th December, 2007

Between

G.Rajanarsu

…Petitioner

and

The Honourable Central Government Industrial Tribunal-cum-Labour Court, at Hyderabad, rep. By its Presiding Officer, and, anr.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27615 of 2007

ORDER:

In this Writ Petition, the petitioner has questioned the award dated 31-12-2004 passed in I.D.No. 16 of 2003 by the learned Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Hyderabad.

The petitioner was employed as Coal Filler in the Singareni Collieries Company Limited in the year 1962 and subsequently, he was promoted as Trammer in the year 1981. The petitioner retired from service on 21-7-1994 on attaining the age of superannuation. Disputing the entries with regard to his age in the service register, the petitioner raised dispute before the Assistant Commissioner of Labour. When the said dispute was not referred for adjudication, he approached this Court and pursuant to the order of this Court, the

same was referred to the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad and numbered as ID.No.16 of 2003. In the said ID, NIL award was passed on 27-6-2003. The petitioner filed an application in I.A.No. 50 of 2003 to reopen the case in ID.No. 16 of 2003 and the same was allowed on 4-1-2004. In lieu of chief examination, the petitioner filed an affidavit on 3-8-2004 and thereafter, though the matter was adjourned for about eight occasions, the petitioner was absent. Hence, the Labour Court passed ex parte order, without granting any relief.

It is submitted by the learned Counsel for the petitioner that as the petitioner vacated the quarter allotted to him, he could not appear before the Labour Court.

The said submission of the learned Counsel for the petitioner cannot be accepted. Having raised the dispute and when it was referred to the Tribunal, the petitioner ought to have been diligent in prosecuting the case before the Tribunal. In fact, final order was passed on 27-6-2003 and it was reopened only on the application filed by the petitioner in I.A.No. 50 of 2003, and, even after reopening the matter, he was not diligent and did not turn up in spite of eight adjournments granted for cross-examination. Therefore, I do not find any illegality in the Award passed by the Labour Court. Further, the Labour Court has passed the Award as early as on 31-12-2004 and this Writ Petition is filed on 20-12-2007. There is no explanation at all in the affidavit filed in support of the Writ Petition for the abnormal delay and laches on the part of the petitioner in approaching this Court.

The Writ Petition is devoid of merits and is accordingly dismissed at the admission stage. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 26-12-2007.
Msnr.